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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/056,914 | 01/25/2002 | Kevin Lloyd Grimes | PU020028 | 3756 |

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JOSEPH S. TRIPOLI
THOMSON MULTIMEDIA LICENSING INC.
2 INDEPENDENCE WAY
P.O. BOX 5312
PRINCETON, NJ 08543-5312

| EXAMINER | |
|---|---|
| YENKE, BRIAN P | |
| **ART UNIT** | **PAPER NUMBER** |
| 2614 | |

DATE MAILED: 11/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| Office Action Summary | Application No. | Applicant(s) | |
|---|---|---|---|
| | 10/056,914 | GRIMES ET AL. | |
| | Examiner | Art Unit | |
| | BRIAN P. YENKE | 2614 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on *RCE/Amendment (18 Oct 05)*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *1-7,9-17 and 19-29* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-6,9-17, and 19-29* is/are rejected.

7)☒ Claim(s) *7 and 20* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

## DETAILED ACTION

### *Continued Examination Under 37 CFR 1.114*

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 18 Oct 05 has been entered.

***Applicant's Arguments***

Applicant's arguments filed 18 Oct 05 have been fully considered but they are not persuasive

a) Applicant states that Takase appears to disclose determining if a period of time has elapsed when no video has been displayed and the video display unit has remain on, thus does not disclose "determining" if the display unit will remain off for an extended period of time

***Examiner's Response***

b) The examiner disagrees. Takase explicitly discloses that when the main power supply is turned off a timer is started to where a black screen (screen saver) may be displayed during this time, when the system determines whether to turn off the heater. The heater is turned off only after the power is first turned off and no video signal/interruption signal is received, in order to conserve power in the system. Thus Takase clearly determines if the system is going to remain off for an extended period of time, by ascertaining whether any video/interrupt signal has been

received if not, the power to the heater is turned off (see claims 1 and 7 of patent, col 4, line 1-16 and lines 47-58).

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-6, 9-17, 19 and 21-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hicks, US 6,429,894 in view of Takase et al., US 6,504,534.

In considering claims 1, 5, 9-10, 16-17, 21 and 27

*a)-b) the claimed identifying active display elements...* is met by CRT aging indicators which may include an unequalized CRT burn time (col 2, line 61 to col 3, line 49)

*c) the claimed detecting when the display unit is turned off* is met by microcomputer 34 (Fig 2) which monitors when the television is in the off-state (block 50) and whether the television has been placed in the on-state by monitoring a power-on control signal (col 9k, line 52-67).

*e) the claimed displaying a corrective image on the identified non-active display elements...* is met where microcomputer 34 directs the video pattern generator 32 to generate the internal video signal (Sint) which is used to equalize the burn-in rates of the entire region of the display screen (col 12, line 13-29).

However, Hicks does not explicitly recite determining if the display is going to remain off for an extended time period.

Although, the determining if a display will remain off is conventional, the examiner nonetheless incorporates Takase which discloses that based upon the length of the state determines whether to operate a screen saver (i.e. no video signal present) and also conserve the CRT by turning off the power circuit.

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Hicks which discloses maintaining an even burn-in on a display based upon the type of signal received, by also, determining if the display is going to be off for a period of time (extended time period) in order to conserve the CRT by displaying a screen saver and turning of the power circuit when no video signal is present for a period of time.

In considering claims 2-4,

Hicks discloses a system which detects an external video signal (Sext), where microcomputer 34 can determine the aspect ratio of the external video signal by comparing for each video field the active video versus total video for a horizontal line and/or a number of lines (col 5, line 61 to col 6, line 13). The determination/detection can also be performed by detecting a signal aspect ratio indicator encoded within the external video signal. Based upon the type of display used (i.e. 4:3 or 16:9 aspect ratio), would determine whether a received signal was a standard external video signal (Sext) (i.e. a received 4:3 signal on 4:3 display) or non-standard external video signal (Sext-ntsd) (i.e. a received 16:9 signal on a 4:3 display). Hicks discloses that based upon the type of display used would determine whether a 4:3 or 16:9 signal would be a standard or a non-standard external signal. Hicks discloses that if a received signal is standard (i.e. aspect-ratio matches that of the display) then an un-even burn-in

rate of the CRT will not occur, or non-standard which means that an un-even burn-in rate will occur.

In considering claims 6, 11-13, 19 and 22-24,

Regarding the predetermined time period set by a user. Hicks discloses a system, which includes the receipt of analog/digital broadcast signals, along with other signal sources such as a VCR and DVD player (col 5, line 25-35).

As stated above with respect to claim 1, when the system is turned off, the system computes, the burn-in rates of the display and the amount of time needed to correct for an uneven burn-in rate display.

It is also known that systems can employ user programmable settings, i.e. record, pay-per-view, display certain programs based upon a preselected/predetermined selection, in addition to users viewing habits. Therefore, the examiner takes "OFFICIAL NOTICE" regarding a system which allows a user to program a time (predetermined) which is set by the user, thus giving the user full control/functionality of the viewing system.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Hicks and Takase which discloses a system which allows a user to view multiple sources, where Hicks corrects for displayed sources that create uneven burn-in rates, by providing the user the ability to set when programs are viewed/recorded, in order to provide the user an enhanced/controllable viewing experience.

In considering claims 14-15 and 25-26,

Hicks does not disclose the method/sequence in displaying the corrective image relating to the luminance levels (i.e. 15, 30 and 60).

However, it is notoriously well known in the art that brightness/luminance levels typically are gain actuated where a display will increase from a dark state to a brighter state, where some systems employ manual and/or automatic control of the desired settings.

Thus regardless of the sequencing of the increase, whether in increments of 5 IRE, 10 IRE or doubling as claimed is dependent upon the type of display, preset/user adjustable settings and therefore bears no patentable weight, since the end result (a display with a predetermined luminance level) is the same, and thus derives no unexpected results.

In considering claims 28-29,

Neither Hicks nor Takase disclose displaying an on screen text message. As stated above, the combination of Hicks and Takase disclose an image/power protection system which reduces aging of the CRT and utilizes power conservation based upon the state of a display device, where a screen saver would be displayed on a screen when no video signal is present.

The concept of informing the user via a text message of what process/function is being carried out, is notoriously well known in the art, since the system performs functions (i.e. power save, power off) automatically (user's input not required) a text message/display will inform the user what operation the system is currently in or going to. Thus the examiner takes "OFFICIAL NOTICE" regarding as such, since it would have been clearly obvious to one of ordinary skill in the art at the time of the invention to notify the user via a message/display what status the system is in, which would eliminate the user having to wait a period of time (after completion of system instructions) to ascertain the system state.

***Allowable Subject Matter***

Claims 7 and 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Yenke whose telephone number is (571)272-7359. The examiner work schedule is Monday-Thursday, 0730-1830 hrs.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's Supervisor, John W. Miller, can be reached at (571)272-7352.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

**(571)273-8300**

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is

(703)305-HELP.

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PAIR (http://pair.uspto.gov) provides customers direct secure access to their own patent application status information, as well as to general patent information publicly available. EFS allows customers to electronically file patent application documents securely via the Internet. EFS is a system for submitting new utility patent applications and pre-grant publication submissions in electronic publication-ready form. EFS includes software to help customers prepare submissions in extensible Markup Language (XML) format and to assemble the various parts of the application as an electronic submission package. EFS

also allows the submission of Computer Readable Format (CRF) sequence listings for pending biotechnology patent applications, which were filed in paper form.

B.P.Y
19 November 2005

BRIAN P YENKE
PRIMARY EXAMINER